

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEPHEN CHRISTOPHER WRIGHT,
SARAH WRIGHT,

Plaintiffs,

v.

CHARLES HANIFY, et al.,

Defendants.

CASE NO. 3:21-CV-5332-BHS

REPORT AND RECOMMENDATION

Noting Date: July 16, 2021

Plaintiffs Stephen Christopher Wright and Sarah Wright, proceeding *pro se*, filed this action alleging violations of their constitutional rights and the Americans with Disabilities Act. *See* Dkt. 1-1. The District Court has referred Plaintiff's pending Application to Proceed *In Forma Pauperis* ("IFP") and Proposed Amended Complaint to United States Magistrate Judge David W. Christel pursuant to Amended General Order 02-19.

Plaintiffs filed this action on May 5, 2021. *See* Dkt. 1. On May 17, 2021, the Court screened Plaintiffs' Proposed Complaint and found it was deficient because Plaintiffs failed to state a claim for which relief may be granted. *See* Dkt. 5. The Court dismissed the Proposed Complaint without prejudice, re-noted the pending Applications to Proceed IFP, and provided

1 Plaintiffs leave to file an amended pleading by June 18, 2021, to cure the identified deficiencies.

2 *Id.* The Court warned that failure to file an amended complaint or adequately respond to the
3 issues identified in the Order would result in the Court recommending the Applications to
4 Proceed IFP be denied and the case be closed. *Id.*

5 Plaintiffs have failed to comply with the Court's Order. They have not filed a response to
6 the Order or filed an amended complaint. Further, as discussed in the Order, Plaintiffs have
7 failed to state a claim upon which relief can be granted in the Proposed Complaint. *See* Dkt. 5.
8 Therefore, the Court recommends the Applications to Proceed IFP (Dkt. 1, 3, 4) be denied and
9 this case be dismissed without prejudice.

10 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
11 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
12 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
13 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
14 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on July 16,
15 2021, as noted in the caption.

16 Dated this 29th day of June, 2021.

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19 David W. Christel
20 United States Magistrate Judge
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